Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Unlicensed Operation in the TV Broadcast Bands	)	**ET Docket No. 04-186**
	)	
Additional Spectrum for Unlicensed devices Below 900 MHz and in the 3 GHz Band	)	**ET Docket No. 02-380**

To: The Secretary, for forwarding to Chief, Media Bureau

COMMENTS OF KHEM TELEVISION

KHEM Television submits these Comments in response to the Commission's Notice of Proposed Rule Making ("NPRM"), FCC 04-113, released May 25, 2004.

KHEM Television is a low power television station licensed to Hemet, California. KHEM Television provides a necessary service to the local community by producing a daily half-hour newscast that focuses exclusively on local news. This is a service that is not provided by any other broadcaster.

We believe there is a need to utilize the radio spectrum to its maximum potential for the highest good of the public. Local LPTV stations such as ours serve this purpose in a special way and while there is a continually growing desire in the country for increased internet connectivity, the FCC has an obligation to ensure that television broadcasters can continue to serve the communities that rely on them. Today, and in the future, many "over-the-air" viewers tend to be lower income households who do not find themselves in a position to pay for subscriber television. For this reason the FCC should pay special attention to protecting local broadcast television stations.

The FCC has done the public a great service in the DTV transition, and we expect over-the-air television viewers to increase. We also expect that because of the nature of digital television, stations will be able to operate much more closely to each other, thereby greatly decrease the amount of "white space". It would be a sad thing if at the same time, the FCC were to allow unlicensed devices to operate in the TV channels and open the door for a plethora of future interference problems.

There are several options before the Commission to mitigate the problem of interference. However it is unlikely that any solution will be immune hacking. As soon as there these devices are on the market, there will be "hacks" and "cracks" readily available to help users make them "work" where they are not supposed to. We suggest that this problem will be particularly pronounced in urban areas where more people will want to use the devices and there are fewer "white spaces" to operate in.

For the above reasons we believe the FCC should not allow these devices. Broadcast spectrum is a tempting target for internet providers, but the services of local broadcasters in time of crisis and emergency are invaluable.

HOWEVER if the Commission finds it prudent to allow such devices, we make the following suggestions:

1. Unlicensed devices should be held to a very high non-interference standard. Broadcast stations often have thousands of viewers outside their protected contours and interference from these devices could effectively knock them out. The Commission should consider that the primary purpose of the broadcast spectrum is television broadcasting. No other device operating in this spectrum should be allowed to deprive <u>any</u> television viewers of this service. As a very <u>minimum</u> these devices should protect the Grade-B contour of all television stations.

2. The Commission needs to establish an effective system that will ensure that as these devices are moved from place to place they will not cause interference. The devices must be also be secure enough so that a cottage industry does not spring up to modify the devices to work illegally.

3. If the proposed devices utilize a database to determine of there is an available "white space", the device must have a reliable method of determining its location. The device cannot rely on the user to input the information because it wouldn't take long for people to figure out that they simply need to enter a rural location to make the device "work" in an urban environment. One suggestion would be to require such devices to utilize GPS technology to determine their location. It is imperative this feature be secure from hackers.

Also, if the database model is used, it would be necessary that before the device goes "on the air," it query FCC databases to be certain it is utilizing the most current information about broadcast stations.

4. If a device were to "listen" for a clear channel to operate on, it is possible that the antenna of the device is not sensitive enough to receive a signal, while the neighbor next door has a rooftop antenna pointed at a station and depends on it for news, information and entertainment. In a situation like this, the device would not receive a signal, begin transmitting and cause interference to television viewers. End users could circumvent this sort of protection by activating the device in a protected environment and then moving it to where they really want it. Would the device be able to actively listen for a broadcast station while at the same transmitting on the same frequency? For these reasons, we believe this method would not effectively protect broadcasters and the communities they serve.

We thank the Commission for considering our comments, and trust your decision will be the most beneficial to all interested parties.

Respectfully submitted,

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